



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/568,595

02/17/2006

Naoyasu Miyagawa

2006_0186A

4719

52349

7590

08/11/2009

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

HUBER, PAUL W

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

08/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,595	MIYAGAWA, NAOYASU	
	Examiner	Art Unit	
	Paul Huber	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kashihara et al. (US 5,793,741).

Kashihara et al. discloses an optical recording medium having spiral or concentric grooves for tracking a laser beam and provided with an information recording layer. See figures 1-3. The optical recording medium comprises at least an identification (control) region 3 and an information (data) recording region 2. The track pitch Tp2 of the grooves formed in the identification region 3 is larger than the track pitch Tp1 of the grooves formed in the information recording region 2. See abstract and col. 2, lines 32-36. As disclosed in reference to figure 3, the width of the grooves formed in the identification region 3, (i.e., the width of the pit row 5), is less than the width between the grooves. See also, col. 3, lines 40-47.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kashihara et al., as applied to the claims above, in further view of OFFICIAL NOTICE.

Kashihara et al. discloses the invention as claimed, but fails to specifically teach that the optical recording medium is provided with two or more information recording layers. However, it is manifestly well known in the art that

Art Unit: 2627

optical recording mediums can have two or more information recording layers, in the same field of endeavor, for the purpose of increasing the recording density of the optical recording medium and Official Notice is hereby given.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kashihara et al. such that the optical recording medium is provided with two or more information recording layers as claimed and as well known in the art. A practitioner in the art would have been motivated to do this for the purpose of increasing the recording density of the optical recording medium.

Relative to the doctrine of Official Notice, see *In re Fox*, 176 U.S.P.Q. 340 at 341 (CCPA 1973).

Claims 16-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashihara et al., as applied to claims 12, 14 and 15 above, in further view of Yamada et al. (JP6267081).

Kashihara et al. discloses the invention as claimed, but fails to specifically teach a recording/reproduction apparatus/method including a control unit for determining whether the grooves on the side where a laser beam is incident are convex (between grooves) or concave (in grooves) on the basis of a sum signal and a difference signal of photo detection signals output from a split photo detector. Yamada et al. discloses a recording/reproduction apparatus which includes a control unit for determining whether the grooves on the side where a laser beam is incident are convex (between grooves) or concave (in grooves) on the basis of a sum signal and a difference signal of photo detection signals output from a split photo detector 17, in the same field of endeavor, for the purpose of easily detecting an accessing direction of the light spot thereby accurately controlling tracking of the light beam. See abstract and figure 38.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kashihara et al. such that the recording/reproduction apparatus/method includes a control unit for determining whether the grooves on the side where a laser beam is incident are convex (between grooves) or concave (in grooves) on the basis of a sum signal and a difference signal of photo detection signals output from a split photo detector as claimed and as taught by Yamada et al.. A practitioner in the art would have been motivated to do this for the purpose of easily detecting an accessing direction of the light spot thereby accurately controlling tracking of the light beam.

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2627

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.

/Paul Huber/
Primary Examiner, Art Unit 2627

pwh
August 6, 2009